Alberta Energy Regulator

Directive 031

Release date: February 24, 2016
Effective date: February 24, 2016
Replaces previous edition issued November 30, 2015

REDA Energy Cost Claims

The Alberta Energy Regulator has approved this directive on February 24, 2016.

<original signed by>

Jim Ellis
President and Chief Executive Officer

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1 Introduction

Directive 031: REDA Energy Cost Claims is intended to direct participants who wish to apply to the Alberta Energy Regulator (AER) for an advance of funds or an award of costs in relation to their participation in a proceeding. This directive addresses such issues as the following:

- Who is eligible to claim costs?
- Is advance funding available?
- What are interim awards?
- What are the considerations for awarding costs?
- What costs may be claimed by a participant, lawyer, consultant, or expert?
- How and when should a costs claim be filed?

- What happens if an applicant or approval holder fails to pay costs?
- Can a costs order be appealed?

Appendix A contains a glossary of special terms.

2 Who Is Eligible to Claim Costs?

Only those persons determined to be "participants" by the AER will be eligible to recover the costs associated with participating in an AER proceeding. Section 58(1)(c) of the *Alberta Energy Regulator Rules of Practice* (*Rules of Practice*) defines the term "participant" as follows:

> **58(1)** In this division
>
> (c) "participant" means a person or a group or association of persons who have been permitted to participate in a hearing for which notice of hearing is issued or any other proceeding for which the Regulator has decided to conduct binding dispute resolution, but unless otherwise authorized by the Regulator, does not include a person or group or association of persons whose business includes the trading in or transportation or recovery of any energy resources;

3 Advance Funding

The rules regarding an advance of funds are set out in section 59 of the *Rules of Practice*.

The decision to award an advance of funds is entirely discretionary. The factors that the AER may take into account in deciding whether or not to award an advance of funds are listed in section 58.1 of the *Rules of Practice*.

A participant may make a request to the AER for an advance of funds by submitting a completed Advance of Funds Request form (see appendix B) to the AER within the time limit indicated in the notice of hearing.

Requests for an advance of funds must include the following information:

- the name of the participant;
- the contact information of the participant, including address in Alberta and e-mail address, or, if the participant does not have an e-mail address, a fax number;
- the name and contact information of the participant's solicitor, if he or she is represented by counsel;
- the application number and name of the proceeding in question;
- a detailed and itemized budget that clearly outlines the direct expenses that the participant reasonably and necessarily expects to incur in the preparation and presentation of his or her participation;

- if a lawyer, expert, or consultant is a necessary component of the participation, a summary of the lawyer's, expert's, or consultant's expertise and a detailed description of the work they propose to do in support of their client's participation; and
- information addressing the factors listed in section 58.1 of the *Rules of Practice*, as applicable (see section 7).

Following the receipt of the above information, the AER will consider the participant's request and provide its decision in a timely fashion. If the AER decides to award an advance of funds, the AER will direct who will advance the funds to the participant and will set out the terms for the repayment of the advance.

A participant may still be eligible for an award of costs following a proceeding even if his or her request for advance funding is denied.

The AER emphasizes that an award of advance funding in no way represents final approval of the costs claimed. Costs claims are reviewed and assessed by the AER following the proceeding. If the actual amount of costs awarded is less than the advance funding received, the AER can direct that the difference be reimbursed by the participant.

4 Interim Awards

The rules regarding interim awards are set out in section 61 of the *Rules of Practice*.

The decision to award interim costs is entirely discretionary. The factors that the AER may take into account in deciding whether or not to award interim costs are listed in section 58.1 of the *Rules of Practice*.

A participant may apply to the AER for an award of interim costs incurred in a proceeding in accordance with the scale of costs by completing an Application for an Award of Interim Costs form (see appendix C).

Applications for an award of interim costs must include the following information:

- the name of the participant;
- the contact information of the participant, including address in Alberta and e-mail address, or, if the participant does not have an e-mail address, a fax number;
- the name and contact information of the participant's solicitor, if he or she is represented by counsel;
- the application number and name of the proceeding in question;
- the date that the proceeding commenced;

- a detailed accounting of reasonable, necessary, and direct costs incurred as a result of the participants participation;
- if a lawyer, expert, or consultant was a necessary component of the participation, a summary of the lawyer's, expert's, or consultant's expertise and a detailed description of the work they did in support of their client's participation; and
- information addressing the factors listed in section 58.1 of the *Rules of Practice*, as applicable (see section 7).

Following the receipt of the above information, the AER will consider the participant's application and provide its decision in a timely fashion.

Note that the length of the proceeding will be considered in making a determination on the application. If the AER awards interim costs, the AER will direct who will pay the interim costs to the participant and will set out the terms for repayment.

If the AER denies an application for interim costs, a participant may still be eligible for an award of costs following the proceeding.

The AER emphasizes that an award of interim costs in no way represents final approval of the costs claimed. Costs claims are reviewed and assessed by the AER following the proceeding. In the event that the AER varies or denies a costs claim, the AER will set out the terms of repayment by the participant.

5 How and When to File a Costs Claim

5.1 Costs Forms and Required Information

The rules regarding filing costs claims are set out sections 62 and 63 of the *Rules of Practice*.

Every costs claim must include the following costs forms (see appendix E) and required information:

a) form E1, "Summary of Total Costs Claimed;"

b) form E2, "Summary of Professional Fees Claimed;"

c) form E3, "Summary of Participant Honoraria Claimed;"

d) form E4, "Summary of Disbursements Claimed;"

e) statements of account in support of professional fees;

f) legible receipts for expenses—If an expense is not self-explanatory, an explanation should be provided. See appendix D for a list of expense claims that must be accompanied by a receipt; and

g) information addressing the factors listed in section 58.1 of the *Rules of Practice*, as applicable (see section 7).

Forms E1 through E4 are in appendix E and on the AER website, www.aer.ca.

Participants must keep a record of all expenses, including receipts, related to their participation. A record of expenses must be maintained whether the participant is acting on his or her own behalf or in a group and regardless of whether the participant has a lawyer, experts, or consultants. The lawyer's, consultant's, or expert's account must include a detailed list of what services were performed, their hourly rate, as well as the amount of time spent carrying out each component of work. Participants must submit enough information to allow the AER to consider each claim.

Failure to file information or documents in the form and manner requested may result in a dismissal of the participant's claim for costs.

A submission for costs will not include arguments about things not being considered or not related to the application, arguments about matters already decided, or arguments about government policy or legislative changes, which should be made to the government or a member of the Legislative Assembly of Alberta.

5.2 The Scale of Costs

The scale of costs (outlined in appendix D of this directive) details what fees and disbursements may be eligible for reimbursement in relation to a participant's participation in a proceeding before the AER. The scale of costs represents what is a fair and reasonable tariff to provide a participant with adequate, competent, and professional assistance in making an effective submission before the AER.

If a participant makes a persuasive argument that the level of the tariff is inadequate given the complexity of the case, the AER may make an exception to the scale of costs to address such unique circumstances.

5.2.1 Professional Fees

The scale of costs provides a sliding scale for professionals on the basis that a professional's fees increase as he or she gains expertise. The AER emphasizes that the maximum allowable hourly rates are not awarded as a matter of course. Rather, the AER assesses each claim on its individual

merits and only approves the maximum fee when the participant has demonstrated that such a fee is warranted by the work performed.

5.2.2 Disbursements

The scale of costs details what disbursements may be eligible for reimbursement. The scale of costs also states what disbursements require receipts in order to be considered for reimbursement.

6 What Costs May Be Claimed by Participants, Lawyers, Consultants, and Experts?

6.1 Participants

6.1.1 Honorarium for Forming a Group

The AER encourages participants with similar issues to consider participating as a group rather than as individuals. The formation of a group often results in a more balanced and complete participation and reduces duplication of the information presented at the hearing. Avoidance of duplication is also important because the AER may reduce the costs awarded to individual participants if it finds that they had similar concerns and shared a common purpose but did not form a group.

The AER recognizes that organizing a group of participants requires considerable time, effort, and expense. Depending upon the size of the group and the efforts required to organize it, organizers may receive honoraria in recognition of their efforts. While such awards are generally $300 to $500, in exceptional cases, where the necessary preparation time is substantial, honoraria in excess of $500 may be considered. The AER will also consider claims for reasonable expenses related to the organization of a group. GST cannot be claimed on honorariums.

6.1.2 Preparation Honorarium

A participant may personally participate in a proceeding without outside help. This approach may be appropriate if the issues at a hearing are straightforward and the participant is comfortable in presenting his or her concerns directly to the AER.

A participant who personally prepares a submission without expert help may receive an honorarium in the range of $300 to $2500, depending upon the complexity of the submission.

When a submission is prepared on behalf of a group of participants without expert help, up to four people may be entitled to preparation honoraria at the same rates described above.

The AER will not normally provide a preparation honorarium to a participant if a lawyer is primarily responsible for preparing a submission. If both the lawyer and the participant prepare a submission, the AER may consider an honorarium in recognition of the participant's efforts.

Recoverable expenses incurred by a participant and related to the preparation of a submission may be allowed (see section 6.1.4).

6.1.3 Attendance Honorarium

Appearing at an AER hearing may include giving evidence, being cross-examined, assisting counsel and consultants, and presenting closing arguments. Participants who participate in a hearing in this manner can claim an honorarium of $100 for each half day of attendance at a hearing. The noon break separates the two halves of the day of a public hearing.

For large participant groups, the AER generally awards attendance honoraria to no more than six individuals but may consider additional attendance honoraria in exceptional circumstances.

Alternatively, the AER may also consider a claim for lost wages on a claim-by-claim basis.

Recoverable expenses incurred by a participant for attendance at a hearing may be allowed (see section 6.1.4).

6.1.4 Participant Expenses/Disbursements

The scale of costs provides for a number of different expenses that a participant may incur for preparation and attending a hearing. In addition to these expenses, the AER may also award costs for

- stationery,
- postage,
- long-distance telephone calls,
- photocopying, and
- meeting room rental.

Form E4 (see appendix E) provides a detailed list of common expenses. Participants claiming expenses not shown on Form E4 should record the expense under the miscellaneous row in the form and provide an explanation of the expense.

6.2 Lawyers, Consultants, and Experts

As discussed earlier, the AER has a scale of costs for legal, consulting, and expert fees. The maximum allowable hourly rates are not awarded as a matter of course. Rather, the AER assesses each claim upon its individual merits.

6.2.1 Costs for a Lawyer

It is important for participants to ensure they take steps to clarify how their lawyer expects to be paid for his or her services before they choose to retain a particular lawyer. Some lawyers who appear before the AER accept the costs awarded to them by the AER as full payment for their services. Other lawyers require participants to pay them their full fees regardless of the fees awarded to them by the AER. The AER cannot decide disputes between a lawyer and a client over legal fees. Such disputes may be resolved through the taxing officer at the Court of Queen's Bench.

All claims for legal fees must be supported by a copy of the lawyer's statement of account, which must include sufficient detail to demonstrate that all items billed were necessary and related to the application or proceeding. The AER considers a lawyer's hourly rate to include all overhead expenses, such as secretarial work.

6.2.2 Costs for Experts and Consultants

A participant may hire one or more experts or consultants to assist in preparing for and presenting at a hearing. These experts may be registered professionals, may carry on a consulting business, or may be expert in a certain field due to practical experience or specialized training. An expert's assistance with a submission must be related to that person's expertise.

It is important that participants finalize their fee arrangements with their experts and consultants before they agree to use their services. If the participant's lawyer considers that the assistance of an expert or consultant is necessary, the lawyer must consult with the participant before being such assistance and explain how the expert or consultant is to be paid.

Actual costs for services such as typing may qualify for a costs award if properly documented with a copy of the expert's account and sufficient detail to demonstrate that all items billed were necessary and related to the application or proceeding.

6.2.3 Disbursements

The scale of costs details what disbursements may be eligible for reimbursement. The scale of costs also states what disbursements require receipts in order to be considered for reimbursement.

6.3 Non-Expert Witnesses

A participant may find it necessary to present non-expert witnesses as part of his or her participation. For example, a participant may ask a neighbour to appear as a witness to provide evidence on local wind conditions. Such a witness may claim a daily fee of $200 for each day that he or she provides evidence at the hearing.

6.0 Alternative Dispute Resolution

With the exception of binding dispute resolution by a hearing commissioner, the AER does not award compensation for participation in the AER's alternative dispute resolution (ADR) processes. In all other cases, costs for ADR are to be dealt with in the context of the negotiations themselves and not through the AER's costs recovery process.

6.1 Filing the Costs Claim

Participants must file their costs claims within 14 days after the hearing record is complete unless otherwise directed by the AER. A hearing record is generally considered complete once final argument has been presented and the hearing has been closed. If cost claims are received within 14 days it will not be considered and may be dismissed unless extraordinary circumstances prevented timely filing.

Completed claims should be sent to the AER by one of the following ways:

- by fax to 403-297-7336,
- by e-mail to energy.cost@aer.ca, or
- by courier or mail to:

  Alberta Energy Regulator
  Law Branch
  Suite 1000, 250 – 5 Street SW
  Calgary, AB T2P 0R4

Participants must provide a copy of their completed costs claim to the applicant or approval holder and other participants unless otherwise directed by the AER.

6.2 Costs Claims When the Hearing Is Held

Claims for participant costs of an hearing in Hinton should be filed with the AER as soon as possible. If such a claim is being made regarding an application that was withdrawn, the claim must be filed within 14 days of the date upon which the AER accepts the withdrawal of the application.

7 Considerations for Awarding Costs

The decision to award costs is entirely discretionary. Section 76 (1) of the *Alberta Utilities Commission Act* sets out the considerations for awarding costs:

> 76(1) The Regulator shall consider one or more of the following factors when making a decision in respect of an application for a participant for an allowance of costs or interim award of costs or a final award of costs:
>
> (a) whether there is a compelling reason why the participant should not have its costs paid;

(b) [illegible]

(c) [illegible]

(d) [illegible]

(i) [illegible]

(ii) [illegible]

(e) [illegible]

(f) [illegible]

(g) [illegible]

(h) [illegible]

(i) [illegible]

(j) [illegible]

(k) [illegible]

(l) [illegible]

(m) [illegible]

(n) [illegible]

(o) [illegible]

(i) [illegible]

(ii) [illegible]

(p) [illegible]

(q) [illegible]

(r) [illegible]

No UKIB does not as such exist for the completion of [illegible]

7.1 How Long Does It Take for the UKIP to Issue a Case Order?

Once the UKIB receives a case claim, the applicant or agent of his/her will have 14 days from the participant's deadline to file and serve any questions or comments on the case claimed. If the applicant or agent of his/her collects any questions or comments, the UKIB will then give only the case Counsel 14 days to file and serve a response.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

> [illegible]

[illegible]

- [illegible]
- [illegible]
- [illegible]
- [illegible]

Appendix A Glossary

Applicant	A person who files an application to the AER.
Approval holder	A person who holds an approval (as defined in *REDA*) issued by the AER.
Costs order	An order issued by the AER awarding costs on a claim for costs.
Participant	A person or a group or association of persons who have been permitted to participate in a hearing for which notice of hearing is issued or any other proceeding for which the regulator has decided to conduct binding dispute resolution, but unless otherwise authorized by the regulator, does not include a person or group or association of persons whose business includes the trading in or transportation or recovery of any energy resource.

Appendix B Advance of Funds

Name of Applicant or Approval Holder and Brief Description of Hearing	Application Number
Name of Participant	Mailing and E-mail Address of Participant
Why is advance funding required? (Address factors listed in section 58.1 of the *Rules of Practice*, as applicable.)	
Personal Expenses that the Participant Expects to Incur for Preparing and Attending Hearing Amount Description of Expense (e.g., airfare, hotel, photocopying) $_____ _____ $_____ _____ $_____ _____ $_____ _____ $_____ _____	
Name of Lawyer _____ Anticipated Fees $_____ Anticipated Expenses $_____	Name of Consultant/Expert _____ Anticipated Fees $_____ Anticipated Expenses $_____
Description of Proposed Legal Work and Anticipated Expenses	
Description of Proposed Consultant/Expert Work and Anticipated Expenses	

Appendix C Application for an Award of Interim Costs

Name of Applicant or Approval Holder, Brief Description of Hearing (including hearing commencement date)	Application Number
Name of Participant	Mailing and E-mail Address of Participant

Why is interim funding required? (Address factors listed in section 58.1 of the *Rules of Practice*, as applicable)

Personal Expenses That the Participant Incurred for Preparing and Attending Hearing

Amount	Description of Expense (e.g., airfare, hotel, photocopying)
$_____	_____
$_____	_____
$_____	_____
$_____	_____
$_____	_____

Name of Lawyer _____ Incurred Fees $_____ Incurred Expenses $_____	Name of Consultant/Expert _____ Incurred Fees $_____ Incurred Expenses $_____

Description of Legal Work and Expenses

Description of Consultant/Expert Work and Expenses

Appendix D Scale of Costs

The scale of costs represents a fair and reasonable tariff to provide participants with adequate, competent, and professional assistance in making an effective submission before the AER. In a case where a party can advance persuasive arguments that the scale of consumer or applicant contribution is inadequate given the complexity of the case, the AER may award an amount greater than stated in the scale of costs to address such unique circumstances.

1 Professional Fees

The scale of costs provides a sliding scale for professional fees on the basis that as the professional's experience increases, so will his or her value and wage. The AER emphasizes that the maximum allowable hourly rates will not be awarded as a matter of course. Rather, the AER will assess each claim upon its individual merits. The AER allows professionals only half of their hourly rate for travel time.

Legal Fees

Articling students	$140/hour
1–4 years at the bar	$240/hour
5–7 years at the bar	$280/hour
8–12 years at the bar	$320/hour
More than 12 years at the bar	$350/hour

Legal fees are deemed to include and cover all overhead charges implicit in the normal operation of a law firm. While the AER will not consider fees for secretarial work, in certain situations, it may also be appropriate for a paralegal to work on the application or intervention. The AER will consider such claims for paralegal fees only if it can be demonstrated that the work performed required the expertise of a paralegal and could not have been performed by a legal assistant.

Consultants', Analysts', and Experts' Fees

Secretarial/support staff	$45/hour
1–4 years' experience	$120/hour
5–7 years' experience	$160/hour
8–12 years' experience	$230/hour
More than 12 years' experience	$270/hour

The AER recognizes that the above professionals may not include the costs of secretarial work in their fees and thus may recognize a claim for secretarial or clerical services. However, the AER will not recognize claims for overhead based upon percentages of the fees or disbursements claimed.

2 Disbursements

2.1 Office Disbursements

The AER may consider claims for the following office disbursements incurred throughout the participant's involvement in the proceeding:

- courier charges
- long-distance telephone calls
- photocopies ($0.10/page)
- fax ($1/page)
- computer charges
- postage
- transcripts (must be accompanied by a receipt)

The AER does not require claimants to submit receipts for the above disbursements (other than transcripts) with their initial costs claims. However, claimants should retain receipts for such disbursements, as the AER will require their submission if the claim is selected for audit. Office disbursements other than those listed above may be listed as miscellaneous, with a short explanation of the expenses claimed attached.

2.2 Personal Disbursements

The AER may consider claims for the following personal disbursements that are incurred during the hearing phase of the proceeding.

Meals: The maximum allowable claim for meals is $40 per day ($10 for breakfast, $15 for lunch and dinner). Claims for meals are restricted to the hearing phase of a proceeding. Tips are not claimable. No receipt is necessary for meal expenses.

Accommodation: The maximum allowable claim for accommodation is $140 per day. Receipts must accompany all claims for accommodation. Claims for accommodation are restricted to the hearing phase of a proceeding.

Travel: The AER's mileage rate for automobile travel is $0.505 per kilometre (km). This portion of a claim is restricted to intercity travel distances of 50 km or more.

The AER may recognize claims for airfare at economy rates or less. Claims for airfare must be accompanied by a receipt supporting the claim. Claims for airfare are restricted to the hearing phase of the proceeding.

Taxi: Such claims are restricted to the hearing phase of the proceeding. They need not be accompanied by a receipt. Claimants should, however, retain such receipts in the event that the AER directs an audit of the claim. Tips are not claimable.

Parking: Such charges are restricted to the hearing phase of the proceeding. They need not be accompanied by a receipt. Claimants should, however, retain such receipts in the event that the AER directs an audit of the claim. Tips are not claimable.

Appendix E Costs Forms

Summary of Total Costs Claimed
Form E1

Alberta Energy Regulator

Date _____

Participant/Lawyer/Expert	Total Fees/Honoraria Claimed	Total Disbursements and Expenses Claimed	Total GST Claimed	Total Claimed
TOTAL				

Claimant _____

Agent/Representative _____

Address _____

Phone _____ Fax _____

E-mail _____

Applicant(s) _____

Application(s) No. _____

Hearing _____

Summary of Professional Fees Claimed
Form 6.0

Date: _____

	Professional Fees												GST	Total
	Total $ Claimed	Hours Billed	Engineer		Engineer		Engineering Intern		Engineering Intern					
			Hours	Rate	Hours	Rate	Hours	Rate	Hours	Rate				
[redacted]														
[redacted]														
[redacted]														
[redacted]														
[redacted]														
[redacted]														
	Total Fee Claimed													
[redacted]														
[redacted]														
[redacted]														
[redacted]														
[redacted]														
[redacted]														
	Total Fee Claimed													

Claimant: _____ Application: _____

Invoice: _____ Application no: _____

continued...

Alberta Energy Regulator

	PROFESSIONAL FEES										GST	Total
	Years of Experience	Hourly Wage	Preparation		Attendance		Argument and Reply		Total Fees		Total GST on Professional Fees	Fees and GST
			Hours	Fees	Hours	Fees	Hours	Fees	Hours	Fees		
FIRM/COMPANY NAME												
Individual Name												
Individual Name												
Individual Name												
Individual Name												
Individual Name												
Total This Company												
FIRM/COMPANY NAME												
Individual Name												
Individual Name												
Individual Name												
Individual Name												
Individual Name												
Total This Company												
TOTAL PROFESSIONAL FEES CLAIMED												

Licensee: _____ Applicant(s): _____

Hearing: _____ Application(s) No. _____

Summary of Participant Honoraria Claimed
Form E3

Alberta Energy Regulator

Date _____

Participant/Group Name	Preparation Honoraria	Attendance Honoraria	Forming a Group	Total Honoraria Claimed
TOTAL				

Claimant _____ Applicant(s) _____

Hearing _____ Application(s) No. _____

Summary of Disbursements Claimed
Form E4

Alberta Energy Regulator

Date _____

Disbursements Claimed (exclusive of GST)	Name of Claimant	Name of Claimant	Name of Claimant	Name of Claimant	Total Disbursements
Airfare					
Accommodation (maximum $140/day + provincial hotel tax)					
Meals (maximum $40/day)					
Mileage ($.505/km)					
Taxi					
Parking					
Car rental					
Transcripts					
Postage					
Courier/delivery					
Telephone/long distance					
Fax ($1.00/page)					
Internal photocopying ($.10/copy)					
External printing					
Miscellaneous (please attach details)					
Miscellaneous (please attach details)					
Miscellaneous (please attach details)					
Miscellaneous (please attach details)					
TOTAL DISBURSEMENTS					
Total GST on Disbursements					

Claimant _____ Applicant(s) _____

Hearing _____ Application(s) No. _____

(continued)

Alberta Energy Regulator

Disbursements (claimed exclusive of GST)	Name of Claimant	Name of Claimant	Name of Claimant	Name of Claimant	Total Disbursements
Airfare					
Accommodation (maximum $140/day + provincial hotel tax)					
Meals (maximum $60/day)					
Mileage ($ /km)					
Taxi					
Parking					
Car rental					
Transcripts					
Postage					
Courier/delivery					
Telephone/long distance					
Fax ($1.00/page)					
Internal photocopying ($.10/page)					
External printing					
Miscellaneous (please attach details)					
Miscellaneous (please attach details)					
Miscellaneous (please attach details)					
Miscellaneous (please attach details)					
TOTAL DISBURSEMENTS					
Total GST on Disbursements					

Claimant _____ Applicant(s) _____

Hearing _____ Application(s) No. _____

Affidavit of Fees and Disbursements
Form 68

AFFIDAVIT OF FEES AND DISBURSEMENTS CLAIMED IN THE MATTER OF A CLAIM FOR COSTS MADE BY _____ FOR PARTICIPATION IN A PROCEEDING

BEFORE THE

CLAIMS COMMISSION REGULATOR WITH RESPECT TO APPLICATION(S) NO. _____

I, _____ of the city/town of _____ and the Province of _____ MAKE OATH (OR AFFIRM) AND SAY THAT:

1. I am the _____ of the costs claimant _____ (the "Claimant") and as such have personal knowledge of the matters hereinafter deposed to, except where stated to be based on information and belief, and where so stated, I do verily believe it to be true.

2. The Claimant was a participant in a proceeding (the "Proceeding") before the regulator with respect to the above application(s).

3. The Claimant incurred fees and disbursements (exclusive of GST) in the amount of $_____ as a result of its participation in the Proceeding. Additionally, the Claimant incurred GST on the above fees and disbursements in the amount of $_____.

4. I have personally reviewed the accounts of the Claimant's [lawyer(s), consultant(s), witness(es)], including the supporting documentation as required by the scale of costs, and confirm that these accounts represent work performed at the specific request of the Claimant.

5. I have personally reviewed all receipts, invoices, and accounts for transcripts, airfare, and accommodation and confirm that they represent disbursements incurred at the specific request of the Claimant.

6. I confirm that the fees and disbursements claimed on behalf of the Claimant's [lawyer(s), expert(s), and consultant(s)] are reasonable and in accordance with the AER's scale of costs.

7. *(If necessary)* The fees claimed on behalf of _____ are in excess of the AER's scale of costs. However, I believe that the Claimant should be entitled to recover such costs because _____

8. To the best of my knowledge and belief, the fees and disbursements claimed by the Claimant represent fees and disbursements incurred necessarily and reasonably for the purpose of the Proceeding.

SWORN (OR AFFIRMED) before me at the City/Town, etc. of _____ in the Province of _____ on _____, 20__.

Commissioner of Oaths

Signature of Affiant